IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 5912 of 2006(D)

PETITIONER:

DR.RAJU MATHEW,
GOVERNMENT CONTRACTOR,
EDATHALA HOUSE, RAMALLOOR P.O.,
KOTHAMANGALAM.

BY ADV. SRI.MURALI PURUSHOTHAMAN
SRI.P.M.BENZIR
SRI.DEEPU LAL MOHAN

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO
GOVERNMENT, WATER RESOURCES DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER,
PROJECT II, WATER RESOURCES DEPARTMENT,
THIRUVANANTHAPURAM.

3. THE SUPERINTENDING ENGINEER,
IRRIGATION CENTRAL CIRCLE,
WATER RESOURCES DEPARTMENT, THRISUR.

4. THE EXECUTIVE ENGINEER,
IRRIGATION DEPARTMENT,
CHIMNEY DAM PROJECT, ECHIPARA, THRISSUR.

BY GOVERNMENT PLEADER SMT. P.K.SHAKEELA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO 5912/2006 D

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COP AGREEMENT NO. 14/SEICC/89-90 DT. 25/09/89 ENTERED INTO BY THE PETITIONER WITH R3.

EXT.P2. COPY OF THE LETTER DT. 6/6/95 BY R3 BEFORE THE R2.

EXT.P3. COPY OF THE JUDGMENT DT. 8/8/2003 IN WA NO. 1258/2003 OF THIS COURT.

EXT.P4. COPY OF THE ORDE GO RT NO. 991/2004/QRD DT. 20/8/2004 BY THE R1.

EXT.P5. COPY OF THE ORDER DT. 7/12/2004 IN WPC NO. 26685/2004 OF THIS COURT.

EXT.P6. COPY OF THE JUDGMNT DT. 2/11/2005 IN WPC NO. 26685/2004 OF THIS COURT.

EXT.P7. COPY OF THE LETER NO. A13/2611/A/05 DT. 30/11/2005 OF THE R4 TO THE R3.

EXT.P8. COPY OF THE REQUEST DT. 28/1/2006 BYTHE PETITIONER BEFORE THE R3.

[True Copy]

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K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 5912 OF 2006-D

JUDGMENT

The petitioner has completed the work awarded to him by the respondents under Ext.P1 agreement, in 1995. So far, the retention amount and final bill amount were not released to him. In the year 2005, it is submitted, the security deposit has already been released. Claiming payment of the balance amount, the petitioner has preferred Ext.P8 representation before the 3rd respondent. The alleged reason for not paying the amount was that there was a termination of another work awarded to him at his risk and cost, in 1993. But, the petitioner points out that the said risk and cost termination has been quashed by the Division Bench of this Court and later, the Government itself terminated the work without any risk and cost, pursuant to the said judgment. So, the petitioner submits, there is no justification for not releasing the amount due to him.

2. The learned Government Pleader, upon instructions, submitted that their appears to be a vigilance case concerning the execution of the work.

3. The 3rd respondent is directed to consider the claim of the petitioner for payment of the balance amount due to him, raised in Ext.P8,

in accordance with law, after affording an opportunity of being heard to him within two months from the date of production of a copy of this judgment.

The Writ Petition is disposed of as above.

19th January, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/